IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.Rev.Pet.No. 314 of 2007(E)

CRA.400/2002 of ADDL. SESSIONS COURT, (ADHOC), PALAKKAD
ST.4480/2001 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD

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REVN. PETITIONER: APPELLANT/ACCUSED

NACHI, S/O.MUTHU, AGED 45 YEARS,
LOADING AND UNLOADING WORKER, MALABAR CEMENTS LTD,
WALAYAR.

BY ADV. SRI.SAJITH KUMAR V.

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. BINOY, FATHER'S NAME AND AGE NOT KNOWN,
RESIDING AT PAYYAPPULLY HOUSE,
KUTTIKKAD, CHALAKKUDI.

BY ADV. SRI.K.P.BALAGOPAL
PUBLIC PROSECUTOR SRI.C.M.CAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.314 of 2007

Dated this 23rd day of January, 2007.

O R D E R

Revision Petitioner is the accused in S.T.No.4480 of 2001 on the file of the Judicial First Class Magistrate's Court No.1, Palakkad. Second respondent is the complainant therein. Revision petitioner was convicted under Section 255(2) of Cr.P.C and sentenced by the Magistrate's Court to undergo simple imprisonment for one month under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.4,000/- to the complainant in default of payment to undergo simple imprisonment for three months under section 357(1)(b) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.966 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.966 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**